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**RESPONSE UNDER 37 CFR § 1.116  
- EXPEDITED PROCEDURE -  
EXAMINING GROUP ART UNIT 2121**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** CASTELLI, et al.      **DOCKET NO:** YOR9-2001-0461 (8728-524)  
**SERIAL NO:** 09/916,935      **GROUP:** Art Unit 2121  
**FILED:** July 27, 2001      **EXAMINER:** HIRL, Joseph P.  
**FOR:** METHOD AND APPARATUS FOR PREDICTION OF COMPUTER  
SYSTEM PERFORMANCE BASED ON TYPES AND NUMBERS OF  
ACTIVE DEVICES

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

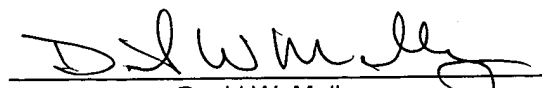
In response to the Final Office Action dated February 1, 2006, please consider the following amendments and remarks.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on April 3, 2006.

Dated: 3 Apr '06

  
David W. Malloy

In re application of: Castelli et al.

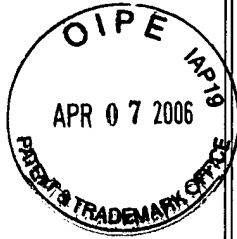
Serial No.: 09/916,935

Group Art Unit: 2129

Filed: July 27, 2001

Examiner: Joseph P. Hirl

For: **METHOD AND APPARATUS FOR PREDICTION OF COMPUTER SYSTEM  
PERFORMANCE BASED ON TYPES AND NUMBERS OF ACTIVE DEVICES**



Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT TRANSMITTAL FORM**

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. § 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ A verified statement to establish small entity under 37 C.F.R. § 1.9 and 1.27 is enclosed.  
☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
					OR
					RATE
					ADDIT. FEE
TOTAL	41*	MINUS	41**	= 0 X 25	\$ 0 X 50 \$ .00
INDEP.	7*	MINUS	7***	= 0 X 100	\$ 0 X 200 \$ .00
[ ] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				X 180	\$ X 360 \$ .00
TOTAL					OR TOTAL \$ .00

ADDIT. FEE \$

\*If the entry in Co. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\*If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\*If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

[ ] Please charge Deposit Account No. 50-0510/IBM in the amount of \$\_. Two (2) copies of this sheet are enclosed.

[ ] Please charge fee of \$\_ for \_ by Credit Card Payment Form PTO-2038 enclosed herewith

[X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0510/IBM. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0510/IBM therefor. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Respectfully submitted,

F. CHAU & ASSOCIATE, LLC  
130 Woodbury Road  
Woodbury New York 11797  
Tel: (516) 692-8888  
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David W. Malloy  
Reg. No. 56,652  
Attorney for Applicant(s)

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

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Dated: 3 Apr '06

David W. Malloy